

**ENTERED**

September 23, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA           §  
  §  
VS.                                       §   MAG. NO. 2:19-MJ-3636  
  §  
RIGOBERTO GUTIERREZ-MENDOZA   §

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

- (1) There are no conditions or combination of conditions that would reasonably secure the presence of the Defendant; and
- (2) There are no conditions or combination of conditions that will reasonably assure the safety of the community.


The evidence against the Defendant is substantial. The aliens in the bed of his truck were hiding under a load of plywood. The findings and conclusions contained in the Pretrial Services Report are adopted. The Defendant has an immigration detainer placed against and admitted to being unlawfully in the United States. The Defendant is married to a United States citizen, however, and if he can obtain an adjustment of his status to lawfully present in the United States, he may be released on bond.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

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appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 23rd day of September, 2019.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE